

House File 754

H-1165

1 Amend House File 754 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. FINDINGS — PURPOSE.

5 1. The general assembly finds that denial of employment
6 opportunities to individuals because of their status as
7 unemployed is discriminatory and burdens commerce by doing one
8 or more of the following:

9 a. Reducing personal consumption and undermining economic
10 stability and growth.

11 b. Squandering human capital essential to the state's
12 economic vibrancy and growth.

13 c. Increasing demands for unemployment insurance benefits,
14 reducing unemployment trust fund assets, and leading to higher
15 payroll taxes for employers, or cuts in unemployment insurance
16 benefits for jobless workers, or both.

17 d. Imposing additional burdens on publicly funded health
18 and welfare programs.

19 e. Decreasing income, property, and other tax revenues that
20 the states and local governments rely on to support operations
21 and institutions essential to commerce.

22 2. The purposes of this Act are all of the following:

23 a. To prohibit employers and employment agencies from
24 disqualifying an individual from employment opportunities
25 because of that individual's status as unemployed.

26 b. To prohibit employers and employment agencies from
27 publishing or posting any advertisement or announcement for
28 an employment opportunity that indicates that an individual's
29 status as unemployed disqualifies that individual for the
30 opportunity.

31 c. To eliminate the burdens imposed on commerce due to the
32 exclusion of such individuals from employment.

33 Sec. 2. Section 216.2, Code 2021, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 14A. "*Status as unemployed*" means that an

1 individual, at the time of application for employment or at the
2 time of action alleged to violate this chapter, does not have a
3 job, is available for work, and is searching for work.

4 Sec. 3. Section 216.2, subsection 15, Code 2021, is amended
5 to read as follows:

6 15. *“Unfair practice” or “discriminatory practice”* means
7 those practices specified as unfair or discriminatory in
8 sections 216.6, 216.6A, 216.6B, 216.7, 216.8, 216.8A, 216.8B,
9 216.9, 216.10, 216.11, and 216.11A.

10 Sec. 4. NEW SECTION. **216.6B Additional unfair or**
11 **discriminatory practice — unemployment status discrimination in**
12 **employment.**

13 1. It shall be an unfair or discriminatory practice for an
14 employer to do any of the following:

15 a. Publish in print, on the internet, or in any other
16 medium, an advertisement or announcement for an employee for
17 any job that includes any of the following:

18 (1) Any provision stating or indicating that an
19 individual’s status as unemployed disqualifies the individual
20 for any employment opportunity.

21 (2) Any provision stating or indicating that the employer
22 will not consider or hire an individual for any employment
23 opportunity based on that individual’s status as unemployed.

24 b. Fail or refuse to consider for employment, or fail or
25 refuse to hire, an individual as an employee because of the
26 individual’s status as unemployed.

27 c. Direct or request that an employment agency take an
28 individual’s status as unemployed into account to disqualify
29 an applicant for consideration, screening, or referral for
30 employment.

31 2. It shall be an unfair or discriminatory practice for an
32 employment agency to do any of the following:

33 a. Publish in print, on the internet, or in any other
34 medium, an advertisement or announcement for any vacancy in
35 a job, to be filled by an employee, that includes any of the

1 following:

2 (1) Any provision stating or indicating that an
3 individual's status as unemployed disqualifies the individual
4 for any employment opportunity.

5 (2) Any provision stating or indicating that the employment
6 agency or an employer will not consider or hire an individual
7 for any employment opportunity based on that individual's
8 status as unemployed.

9 *b.* Screen, fail or refuse to consider, or fail or refuse to
10 refer an individual for employment because of the individual's
11 status as unemployed.

12 *c.* Limit, segregate, or classify any individual in any
13 manner that would limit or tend to limit the individual's
14 access to information about jobs, or consideration, screening,
15 or referral for jobs, solely because of an individual's status
16 as unemployed.

17 3. This section shall not be construed to preclude an
18 employer or employment agency from considering an individual's
19 employment history, or from examining the reasons underlying
20 an individual's status as unemployed, in assessing an
21 individual's ability to perform a job or in otherwise
22 making employment decisions about that individual. Such
23 consideration or examination may include an assessment of
24 whether an individual's employment history in a similar or
25 related job for a period of time reasonably proximate to the
26 time of consideration of the individual for new employment is
27 job-related or consistent with business necessity in relation
28 to that new employment.

29 Sec. 5. Section 216.15, subsection 9, paragraph a, Code
30 2021, is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (10) For an unfair or discriminatory
32 practice relating to unemployment status discrimination
33 pursuant to section 216.6B, payment to the complainant of
34 damages for an injury caused by the unfair or discriminatory
35 practice which damages shall include but are not limited to

1 actual damages, court costs, reasonable attorney fees, and any
2 of the following, if applicable:

3 (a) For an unfair or discriminatory practice relating to
4 unemployment status discrimination pursuant to section 216.6B,
5 subsection 1, paragraph "a", or subsection 2, paragraph "a",
6 damages in an amount not to exceed one thousand dollars for
7 each day the unfair or discriminatory practice occurs.

8 (b) For an unfair or discriminatory practice relating to
9 unemployment status discrimination pursuant to section 216.6B,
10 subsection 1, paragraph "b" or "c", or subsection 2, paragraph
11 "b" or "c", if wages, salary, employment benefits, or other
12 compensation have not been denied or lost to the individual,
13 damages in an amount not to exceed five thousand dollars.>

14 2. Title page, by striking lines 1 and 2 and inserting <An
15 Act prohibiting employment discrimination based on unemployment
16 status and providing remedies.>

17 3. By renumbering as necessary.

HUNTER of Polk